

**IN UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NORTH DAKOTA**

UNITED STATES OF AMERICA, )  
)  
)  
Plaintiff, )  
)  
vs. )  
)  
)  
JAMALE WHITE, )  
)  
)  
Defendant. )  
)

Case No. 3:21-CR-00036

**RESPONSE TO GOVERNMENT’S  
APPEAL TO ORDER SETTING  
CONDITIONS OF RELEASE**

[¶ 1] **COMES NOW** Defense counsel Samuel A. Gereszek, counsel for the named defendant, Jamale White, and hereby responds to the Government’s Appeal of the Release Order set by the Magistrate Judge Ivy of the District of Eastern Michigan on February 26, 2021.

[¶ 2] Subsequent to setting the release conditions, the Government immediately filed a Motion to Revoke the Release of the Defendant. (Doc. 120) The Government laid out several reasons why the Defendant should not be released, but states without comment on the most significant factor of all; that the US Probation Office prepared a Pretrial Services Report that recommended the defendant's *release on various conditions*.

[¶ 3] All reasons laid out by the Government are factors that US Probation was aware of and known by the Government at the time of the original detention hearing in the District of Eastern Michigan. Therefore, no new evidence was presented in the Motion to Revoke or Appeal. Thus, the Government is merely attempting to ‘Judge-shop’ for a judicial officer that will go against the recommendations of US Probation and the Pretrial Services Report.

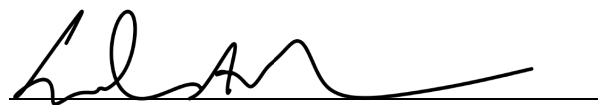
[¶ 4] Moreover, the argument made by the Government regarding ‘ties’ to the different districts runs contradictory when viewed as a whole. On one side, the Government argues that due to Mr.

White's limited ties to North Dakota, he will have 'every opportunity to flee' if released to reside in Michigan, as he will be 'unaccounted for over significant period of time.' Yet, the Pretrial Services Report recommended release with various conditions, therefore, he will be accounted for by the Federal Government's Pretrial Services Office.

[¶ 5] Furthermore, any argument by the Government that due to Mr. White's location in Michigan, he will be unable to make his appearances in North Dakota should fail pursuant to the Government's own allegations in the indictment that Mr. White has made numerous trips to North Dakota, as well as in their brief, that Mr. White "has the means and ability to freely move interstate...."

[¶ 6] Mr. White's criminal history, the nature of these charges, his ties to North Dakota versus Michigan, the law pertaining to rebuttable presumptions of release were all factors known to Magistrate Judge Ivy on February 26, 2021. The Government is now asking this Court to simply substitute its own judgment in place of Magistrate Judge Ivy's absent any change in circumstances or new information. For the foregoing reasons, Defense respectfully requests Magistrate Judge Ivy's Order setting conditions of release be reinstated, and the defendant be released.

Dated this Tuesday, March 16, 2021



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**ATTORNEY FOR THE DEFENDANT**

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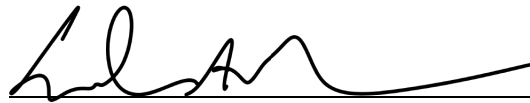
**CERTIFICATE OF SERVICE**

**[¶1]** I hereby certify that on March 16, 2021, the following document(s):

*a. Response To Government's Appeal To Order Setting Conditions Of Release*

were filed electronically with the Clerk of Court through ECF

Dated this Tuesday, March 16, 2021



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